

the one being intended as the vehicle of the other; they ought, therefore, to have been wholly exempt from the coercion of human laws in all speculative and doctrinal points whatsoever; liberty of speech in political matters has been equally proscribed in almost all the governments of the world, as liberty of conscience in those of religion. A complete tyranny over the human mind could never have been exercised whilst the organ by which our sentiments are conveyed to others, was free. When the introduction of letters among men afforded a new mode of disclosing, and that of the press, a more expeditious method of diffusing their sentiments, writing and printing also became subjects of legal coercion; even the expression of sentiments by pictures and hieroglyphics attracted the attention of the argus-government, so far as to render such expressions punishable by law. The common-place arguments in support of these restraints are, that they tend to preserve peace and good order in government; that there are some doctrines both in religion and politics, so sacred, and others of so bad a tendency, that no public discussion of them ought to be suffered. To these the elegant writer before referred to, (Dr. Price,) gives this answer: 'Were this a right opinion, all the persecution that has ever been practised, would be justified; for if it is a part of the duty of civil magistrates to prevent the discussion of such doctrines, they must, in doing this, act on their own judgments of the nature and tendency of doctrines; and consequently, they must have a right to prevent the discussion of all doctrines which they think to be too sacred for discussion, or too dangerous in their tendency; and this right they must exercise in the only way in which civil power is capable of exercising it, by inflicting penalties on all who oppose sacred doctrines, or who maintain pernicious opinions.'"

And I wish to call to the attention of the Convention what Judge Tucker says about the first attempt, and the only attempt, that was made under this government, to restrain the freedom of the press. After speaking of the reasonable expectations that might have been entertained that no attempt of that sort would ever have been made, Judge Tucker says:

"But however reasonable such an expectation might have been, a very few years evinced a determination on the part of those who then ruled the public counsels of the United States to set at naught all such restraints. An act accordingly was passed by the Congress, on the fourteenth of July, 1798, whereby it was enacted that 'if any person shall write, print, utter or publish any false and malicious writing against the Government of the United States, or either house of Congress, or the President, with intent to defame them, or either of them, or to bring

them, or either of them, into contempt, or disrepute; or to excite against them or either of them, the hatred of the good people of the United States, then such person, being thereof convicted before any court of the United States, having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years.' The act was limited in its duration to the third day of March, 1801, the very day on which the period for which the then President was elected, was to expire; and, previous to which the event of the next Presidential election must be known."

And under that act there were three or four men, one in Pennsylvania, one in Connecticut, I believe, and one in Virginia, prosecuted for publishing seditious articles, were fined and were imprisoned. The writer then goes on to state the consequences of that act.

"The consequences of this act, as might have been foreseen, were a general astonishment, and dissatisfaction, among all those who considered the Government of the United States as a limited system of government; in its nature altogether federal, and essentially different from all others which might lay claim to unlimited powers; or even to national, instead of federal authority. The constitutionality of the act was accordingly very generally denied, or questioned, by them. They alleged, that it is to the freedom of the press, and of speech, that the American nation is indebted for its liberty, its happiness, its enlightened state, nay more, for its existence. That in these States the people are the only sovereign; that the government, established by themselves, is for their benefit; that those who administer the government, whether it be that of the State, or of the Federal Union, are the agents and servants of the people, not their rulers or tyrants. That these agents must be, and are, from the nature and principles of our governments, responsible to the people for their conduct. That to enforce this responsibility, it is indispensably necessary that the people should inquire into the conduct of their agents; that in this inquiry, they must, or ought to scrutinize their motives, sift their intentions, and penetrate their designs; and that it was, therefore, an unimpeachable right in them to censure as well as to applaud; to condemn or to acquit; and to reject, or to employ them again, as the most severe scrutiny might advise. That as no man can be forced into the service of the people against his own will and consent; so if any man employed by them in any office, should find the tenure of it too severe, because responsibility is inseparably annexed to it, he might retire; if he cannot bear scrutiny, he might resign; if his motives, or designs, will not bear sifting; or if censure be too galling to his feelings, he might avoid it in the shades